

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.462 OF 2007

IN

CRIMINAL APPEAL NO.1250 OF 2006

Uttam Murlidhar Ghuge : Applicant.

versus

The State of Maharashtra : Respondent.

Mr.A.P.Mundergi i/by Mr.Niranjan Mundergi for the
applicant.

Ms.R.M.Gadhvi, APP, for the State.

CORAM : D.G.DESHPANDE

SMT.NISHITA MHATRE, JJ.

DATED : APRIL 27, 2007.

P.C.

1. This is an application for staying the conviction of the accused. The accused was the Head Constable charged with murder of his wife 13 years ago. He was on bail during that period.

He has been convicted by the trial Court. There are two dying declarations, one is favouring him and another is implicating him. The trial Court believed the later dying declaration and convicted him. He is suspended. Thereafter the accused was on bail for 13 years and his services are not terminated till this date. Therefore, advocate for the accused contended that conviction of the accused be suspended or stayed, pending appeal otherwise the accused will lose his job.

2. Looking to the fact that the accused was on bail for last 13 years, We stay the conviction, pending appeal. However, the appellant/accused to prepare paper book at his own costs and submit it to the Court before 30th July 2007, thereafter appeal will list for final hearing.

[D.G.DESHPANDE, J]

[SMT.NISHITA MHATRE, J]